IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

Ram Chandra Meghwal

VERSUS

Union of India & others.

(S.B. Civil Writ Petition No.5439/1993)

DATE OF ORDER ::: FEBRUARY 23, 2005

P R E S E N T

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr. R.S. Saluja, for the petitioner.

Mr. V.K. Mathur, for the respondents.

BY THE COURT :

Heard learned counsel for the parties.

Brief facts of the case according to the petitioner are that the petitioner is a khatedar tenant of Murabba No.278/438 in Chak No. 6-7 PGM, Tehsil Suratgarh, District Sri Ganganagar. Without acquiring the petitioner's land, the same was used as a way during the period 1986-1987 as the respondents had to repair a bridge situated near the petitioner's land.

According to the petitioner, by the use of land by the respondents, the land stood totally damaged and

now it cannot be used for agriculture purposes. The petitioner, therefore, claims that he may be awarded compensation for this land equivalent to the cost of land which could have been awarded in case the land would have been acquired by the respondents. In the alternative, the petitioner prayed that he may be given alternate land in lieu of the land used and damaged by the respondents.

The Union of India submitted reply to the writ petition and admitted this fact that the land of the petitioner was used in the year 1986-1987 and the respondents had no intention to acquire the land as the land was not needed for any purpose. It is also submtited that because of urgent necessity, the petitioner's land was used temporarily only and for that purpose, rent can be paid to the petitioner. The respondents also pleaded that due to emergent situation and for want of immediate repair of bridge, the land was used and they have not caused any damage to the petitioner's land.

The admitted fact is that the petitioner's land was used by Union of India, may it be for temporary period, but at the same time, they have not paid compensation to the petitioner for that period. Even if there was reason for using the petitioner's land, then the land should not have been damaged to the

extent which the petitioner alleges and if the allegations are true.

In these circumstances, only relief which can be granted to the petitioner is that the petitioner may submit his representation before the respondents no.1 to 4 raising all his claims and may submit proof in support of the claim. On receiving the representation, the respondents no.1 to 4 may decide the same after enquiring into the petitioner's claim and in case, it is found that the petitioner is entitled for compensation, the same may be paid to the petitioner within a period of six months from the date of submission of the representation by the petitioner. The petitioner may submit representation within a direction to one month from today.

With the aforesaid observations, this writ petition is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya